

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:18-cr-02844-JCH

DOMINICK MILIA,

Defendant.

ORDER GRANTING TEMPORARY RELEASE FROM CUSTODY

THIS MATTER is before the Court on defendant Dominick Milia's Emergency Motion to Reconsider Order Granting Detention Pending Trial, filed on March 10, 2022. Doc. 128. The Court held a hearing on the motion shortly after it was filed. Doc. 131. For the following reasons, the Court will temporarily release Mr. Milia from custody, effective immediately, under 18 U.S.C. § 3142(i).

On or about February 27, 2022, Mr. Milia was found unresponsive in his cell, and he was transported to the hospital. He has not regained consciousness since then, and he currently is in the Neuroscience Intensive Care Unit (ICU) at University of New Mexico Hospital (UNMH). He is on life support, but because of his custodial status, his family only has limited ability to visit him and limited ability to make decisions about his continued medical care. Mr. Milia is not expected to survive.

The Court finds that the evidence proffered by Mr. Milia constitutes sufficiently compelling reasons for his temporary release under 18 U.S.C. § 3142(i). Further, given Mr. Milia's current physical condition, he no longer poses a risk of flight or a danger to the

community. The United States does not object to Mr. Milia's release under these circumstances so long as it is notified immediately if Mr. Milia unexpectedly recovers and is released from the hospital.

IT IS THEREFORE ORDERED that defendant Dominick Milia is ordered released on his own recognizance, effective immediately. He is ordered released temporarily under 18 U.S.C. § 3142(i). Mr. Milia's counsel is ordered to promptly notify the Court and the United States if Mr. Milia is released from UNMH, or if he dies while at UNMH.

DATED this 10th day of March, 2022.



Laura Fashing
United States Magistrate Judge